

Message Text

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SUBJ: VRA- UNDER SECRETARY CASEY' S MEETING WITH EUROPEAN
PRODUCERS.

1. SUMMARY: DURING MEETING MARCH 21, UNDER SECRETARY
CASEY TOLD EUROPEAN STEEL PRODUCERS WE HAD RECONSIDERED
AND WERE STILL RECONSIDERING POSSIBILITY OF PROTECTIVE LEGIS-
LATION. WHILE EUROPEANS ARE IMPRESSED BY DESIRABILITY OF
PROTECTIVE LEGISLATION, THEY RECOGNIZE ATTITUDE OF CHAIRMAN
MILLS, AS POINTED OUT BY UNDER SECRETARY, OPPOSING LEGISLATION
BEFORE COURT OF APPEALS DECISION. UNDER SECRETARY SAID WE
WOULD LOOK AT THE MATTER AGAIN AS SOON AS APPELLATE DECISION
RENDERED. EUROPEAN PARTICIPANTS MADE NO COMMITMENTS, BUT
DID NOT REJECT POSSIBILITY OF AWAITING APPELLATE DECISION.
END SUMMARY.

2. UNDER SECRETARY CASEY AND ASSISTANT SECRETARY ARMSTRONG
MET MARCH 21 WITH BARON VAN DER REST, SCHMITGZS, AND LORD
LAYTON (ACCOMPANIED BY BRITISH ATTORNEY LAWTON) TO DISCUSS
VRA IN LIGHT CONSUMERS' UNION CASE.
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3. UNDER SECRETARY RECALLED THAT WE HAD INFORMED U. S. ATTORNEYS FOR EUROPEAN PRODUCERS OF OUR HIGH DEGREE OF CONFIDENCE THAT DISTRICT COURT DECISION WOULD EVENTUALLY BE OVERTURNED. WE HAD UNDERTAKEN TO SEEK LEGISLATION IF DECISION NOT REVERSED. HOWEVER, IN THE LIGHT OF CONTINUED CONCERN OF BRITISH CLIENTS, QE HAD UNDERTAKEN TO RECONSIDER OUR DECISION NOT TO SEEK LEGISLATION AT THIS TIME. WE HAD RECONSIDERED AND CONTINUE TO RECONSIDER, AND UNDERSECRETARY WOULD SEEK FURTHER VIEWS IN LONDON NEXT WEEK, AS WELL AS REVIEW SITUATION ON RETURN TO WASHINGTON.

4. UNDER SECRETARY POINTED OUT THAT SEEKING LEGISLATION NOW COULD SLOW DOWN THE LEGAL PROCESS. AT THE SAME TIME, CONGRESS WOULD BE RELUCTANT TO CONSIDER LEGISLATION WHILE LITIGATION IN PROCESS. ON THE OTHER HAND, IF THE AGREEMENT WERE SUSPENDED THERE WOULD BE GREAT PRESSURE TO CONSIDER IT TERMINATED WITH RESULTANT EFFORT TO SEEK ADOPTION OTHER LESS DESIRABLE MEASURES ON A MANDATORY BASIS. SUSPENSION WOULD ALSO TEND TO REDUCE INTEREST IN PROTECTIVE LEGISLATION. UNDER SECRETARY CONCLUDED THAT BEST WAY WOULD BE TO CARRY ON FIGHT IN THE COURTS WITH ASSURANCE THAT WE WOULD SEEK LEGISLATION WHEN AND IF NEEDED.

5. UNDER SECRETARY SAID WE HAD OPINION OF OUR JUSTICE DEPARTMENT THAT ANY LEGISLATION PRIOR TO FINAL JUDGMENT ON DAMAGE CASE WOULD BE BINDING. IN RESPONSE TO QUERY BY VAN DER REST, HE SAID THAT EVEN IF COURT OF APPEALS WENT AGAINST US AND DAMAGE SUIT INSTITUTED, SUPREME COURT DECISION COULD BE EXPEDITED, LEAVING ADEQUATE TIME FOR LEGISLATION. ARMSTRONG DOUBTED DAMAGE SUIT WOULD BE FORTHCOMING IF IT WERE KNOWN WE WOULD APPEAL TO SUPREME COURT.

6. WITH REFERENCE TO JAPANESE DECISION NOT TO SUSPEND, LAYTON EXPLAINED THAT INVOLVEMENT OF JAPANESE GOVERNMENT MADE AGREEMENT MORE GOVERNMENT TO GOVERNMENT, WHILE EUROPEAN GOVERNMENTS HAD NOT BEEN INVOLVED.

7. ARMSTRONG TOOK EXCEPTION TO LAYTON SUGGESTION VRA PROVISION BE PUT IN TRADE BILL, SAYING THIS COULD INVITE ADDING A LOT OF OTHER MEASURES. UNDER SECRETARY SAID THIS

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CONCERN WOULD BE DISOLVED BY SUGGESTION OF CHAIRMAN MILLS THAT THIS BE PUT IN BILL AT CONFERENCE STAGE. CHAIRMAN MILLS DID NOT WANT TO PUT IT IN BEFORE COURT DECISION. HE EMPHASIZED MILLS DID NOT WANT LEGISLATION PRESENTED AT THE MOMENT.

8. UNDER SECRETARY DISCOUNTED STRONGLY LAWTON DOUBTS AS TO CONSTITUTIONALITY OF RETROACTIVE ASPECT OF LEGISLATION, CITING JUSTICE OPINION SUPPORTING ITS CONSTITUTIONALITY. LAWTON SEEMED IMPRESSED WITH U. S. ARGUMENTATION ON THIS POINT.

9. EUROPEAN INTERLOCUTORS TOOK NO POSITION BUT SEEMED IMPRESSED BY PROBLEMS INVOLVED EITHER IN SUSPENSION OR IN SEEKING IMMEDIATE LEGISLATION. THEY MADE NO COMMITMENT, BUT DID NOT REJECT CONCEPT OF WAITING TO TAKE ANOTHER LOOK WHEN COURT OF APPELAS DECISION IS IN.

10. COMMENT: MATERIAL PHONED BY KATZ WAS EXTREMELY USEFUL IN MEETING CONSTITUTIONALITY ARGUMENT, AS WELL AS CONFIRMING VIEWS OF CHARIMAN MILLS. EUROPEANS IN OUR OPINION WILL REMAIN OF DIVIDED COUNSEL UNTIL COURT DECISION RENDERED. CASEY

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